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IP LEARN, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IP LEARN, LLC,

Plaintiff,

v.

SKILLSOFT CORPORATION, and  
DOES 1-10,

Defendant.

No. C 02-2632 MJJ

**SECOND AMENDED COMPLAINT FOR PATENT  
INFRINGEMENT**

JURY DEMAND

Plaintiff IP Learn, LLC ("IP Learn") complains in this second amended complaint against defendant SkillSoft Corporation ("Defendant") as follows:

**JURISDICTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §271 et seq. The Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §1338(a).

**INTRADISTRICT ASSIGNMENT**

2. This patent action is in an excepted category for Local Rule 3-2(c), Assignment of a Division.

**THE PARTIES**

3. Plaintiff IP Learn is a limited liability company organized under the laws of California, having its principal place of business in Santa Clara County, California.

4. Defendant is a corporation organized under the laws of Delaware, having its worldwide headquarters in Nashua, New Hampshire.

5. The true names or capacities, whether individual, corporate, associate, or otherwise, of defendants named as DOES 1 through 10 inclusive, are unknown to IP Learn, and IP Learn therefore sues these defendants by fictitious names. IP Learn will seek leave to amend this complaint to include the true names and capacities of the DOE defendants when ascertained.

### THE "PATENTS-IN-SUIT"

6. United States Patent No. 6,126,448 ("the '448 patent") entitled "Computer-aided learning methods and apparatus for a job," was duly and legally issued on October 3, 2000, and was assigned to and is owned by IP Learn.

7. United States Patent No. 6,118,973 ("the '973 patent") entitled "Methods and apparatus to assess and enhance a student's understanding in a subject," was duly and legally issued on September 12, 2000, and was assigned to and is owned by IP Learn.

8. United States Patent No. 5,934,909 ("the '909 patent") entitled "Methods and apparatus to assess and enhance a student's understanding in a subject," was duly and legally issued on August 10, 1999, and was assigned to and is owned by IP Learn.

9. United States Patent No. 5,779,486 ("the '486 patent") entitled "Methods and apparatus to assess and enhance a student's understanding in a subject," was duly and legally issued on July 14, 1998, and was assigned to and is owned by IP Learn.

10. United States Patent No. 6,398,556 ("the '556 patent") entitled "Inexpensive computer-aided learning methods and apparatus for learners," was duly and legally issued on June 4, 2002, and was assigned to and is owned by IP Learn.

### DEFENDANT'S INFRINGEMENT

11. On information and belief, Defendant, with full knowledge of IP Learn's rights, is infringing, both directly infringing and indirectly (by inducing and contributing to such infringement) the patents-in-suit by making, using, offering for sale, selling, and/or importing into the United States e-Learning products to wit the Learning-content provision system, proprietary learning management system, and learning content management system as implemented by the

1 RolePlay Exercises, SkillSimulations, Accelerated Path, SkillChecks, SkillPort, Search-and-Learn,  
2 Course Customization Toolkit, and Course Development Toolkit.

3 12. On information and belief, Defendant's conduct described above constitutes willful  
4 infringement of the patents-in-suit.

5 13. On information and belief, Defendant will continue to infringe, induce the  
6 infringement of, and contributorily infringe the patents-in-suit unless enjoined by the Court.

7 14. IP Learn has been damaged by Defendant's conduct and is suffering and will  
8 continue to suffer damage and irreparable harm as a result, unless Defendant is enjoined by the  
9 Court.

### 10 **DEMAND**

11 WHEREFORE, IP Learn prays for:

12 1. Judgment that the '448 patent, the '973 patent, the '909 patent, the '486 patent,  
13 and/or the '556 patent are infringed by Defendant.

14 2. A preliminary and permanent injunction enjoining Defendant, its officers, agents,  
15 servants, employees, and those persons acting in active concert or participation with them or any  
16 of them from infringing, inducing the infringement, or contributorily infringing the '448 patent, the  
17 '973 patent, the '909 patent, the '486 patent, and/or the '556 patent.

18 3. An accounting of damages arising out of Defendant's infringement, inducing the  
19 infringement, and/or contributory infringement of the '448 patent, the '973 patent, the '909 patent,  
20 the '486 patent, and/or the '556 patent, and award of those damages together with interest, and a  
21 judgment that the profits and damages so adjudged be trebled.

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1 4. Judgment that IP Learn be awarded its attorneys' fees, costs, and expenses incurred in this  
2 action.

3 Dated: October 25, 2002

4 Respectfully submitted,  
5 COOLEY GODWARD LLP

6  
7 By: /s/  
8 Thomas J. Friel, Jr.

9 Attorneys for Plaintiff  
10 IP LEARN, LLC

11 **JURY DEMAND**

12 Plaintiff respectfully requests a jury trial on all issues triable thereby.

13 Dated: October 25, 2002

14 COOLEY GODWARD LLP

15  
16 By: /s/  
17 Thomas J. Friel, Jr.

18 Attorneys for Plaintiff  
19 IP Learn, LLC

20 **DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

21 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the  
22 named parties, there is no such interest to report.

23 Dated: October 25, 2002

24 COOLEY GODWARD LLP

25 By: /s/  
26 Thomas J. Friel, Jr.

27 Attorneys for Plaintiff  
28 IP Learn, LLC